

PLEAS IN MISDEMEANOR CASES

CHAPTER 858

H. B. No. 2257

An Act relating to pleas to certain offenses; amending Articles 27.14 and 27.16, Code of Criminal Procedure, 1965, as amended.

Be it enacted by the Legislature of the State of Texas:

Section 1. Article 27.14, Code of Criminal Procedure, 1965, as amended, is amended ⁷⁹ to read as follows:

"Art. 27.14. Plea of guilty or nolo contendere in misdemeanor

"(a) A plea of 'guilty' or a plea of 'nolo contendere' in a misdemeanor case may be made either by the defendant or his counsel in open court; in such case, the defendant or his counsel may waive a jury, and the punishment may be assessed by the court either upon or without evidence, at the discretion of the court."

"(b) A defendant charged with a misdemeanor for which the maximum possible punishment is by fine only may, in lieu of the method provided in Subsection (a) of this article, mail to the court a plea of 'guilty' or a plea of 'nolo contendere' and a waiver of jury trial. If the court receives a plea and waiver before the time the defendant is scheduled to appear in court, the court shall dispose of the case without requiring a court appearance by the defendant. The court shall notify the defendant by certified mail, return receipt requested, of the amount of any fine assessed in the case. The defendant shall pay any fine assessed before the 31st day after receiving notice of the fine.

"(c) In a misdemeanor case arising out of a moving traffic violation for which the maximum possible punishment is by fine only, payment of a fine, or an amount accepted by the court constitutes a finding of guilty in open court, as though a plea of nolo contendere had been entered by the defendant."

Sec. 2. Article 27.16, Code of Criminal Procedure, 1965, is amended ⁸⁰ to read as follows:

"Art. 27.16. Plea of not guilty, how made

"(a) The plea of not guilty may be made orally by the defendant or by his counsel in open court. If the defendant refuses to plead, the plea of not guilty shall be entered for him by the court.

"(b) A defendant charged with a misdemeanor for which the maximum possible punishment is by fine only may, in lieu of the method provided in Subsection (a) of this article, mail to the court a plea of not guilty."

Sec. 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby

79. Vernon's Ann.C.C.P. art. 27.14.

80. Vernon's Ann.C.C.P. art. 27.16.

suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on May 23, 1977, by a non-record vote; and that the House concurred in Senate amendment to H.B. No. 2257 on May 28, 1977: Yeas 133, Nays 6, 3 present, not voting; passed by the Senate, with amendment, on May 27, 1977: Yeas 30, Nays 1.

Approved June 16, 1977.

Effective June 16, 1977.

FAMILY DISTRICT COURT ACT

CHAPTER 859 ⁸¹

S. B. No. 266

An Act providing for the administration of family law by replacing the juvenile courts of Dallas and Harris counties and all functioning domestic relations courts with district courts of general jurisdiction to be called family district courts; providing for transfer of cases, process, and writs; providing for the jurisdiction, terms, personnel, facilities, and administration of these courts; providing for the appointment, qualifications, terms, and compensation of judges; restructuring existing juvenile boards in certain counties and providing for the future creation and organization of juvenile boards in other counties and for compensation of members; making provisions relating to retirement benefits for judges of family district courts; providing effective dates; repealing the laws creating and providing for the replaced courts; repealing the laws providing for creation of domestic relations courts in Lubbock and Starr counties; making certain transition provisions and other provisions relating to such courts; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

SUBCHAPTER A. GENERAL PROVISIONS

Short title

Section 1.01. This Act may be cited as the Family District Court Act.

Purpose

Sec. 1.02. (a) This Act substitutes district courts of general jurisdiction, to be called family district courts, for the existing domestic relations courts and special juvenile courts. It also restructures existing juvenile boards in certain counties and provides for the future creation and organization of juvenile boards in other counties. Subchapter A contains general provisions applicable to all family district courts, now or later created, and Subchapter B creates the new family district courts. Subchapter C contains temporary provisions.

(b) This Act is designed so that future legislatures may create new family district courts by adding a section to Subchapter B without re-

⁸¹. Vernon's Ann.Civ.St. art. 1926a, §§
1.01 to 1.08(b), 2.01 to 2.31, 3.01 to 3.04,
4.00.